



# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

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April 5, 2010

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RE NWP-2008 -71

Dear Judy and Bob,

The Oregon Department of Fish and Wildlife (department) has reviewed the U.S. Army Corps of Engineers, Portland district (Corps) and Department of State Lands (DSL) Removal/Fill notice NWP-2008-71 to develop a regional general permit (Corps) and general permit (DSL) to authorize commercial gravel mining activities within the Chetco River, in Curry County. The department appreciates the collaborative nature of the process the Corps and DSL established for the regional general permit and general permit including a technical team and an executive team made up primarily of state and federal agency staff. The department also appreciates the resources that the Corps was able to secure for field work and analysis by the U.S. Geological Survey (USGS) staff. The issue of gravel recruitment and how it can be measured and used to establish appropriate gravel removal rates has been a contentious issue for a number of years. This process is a model for how the department would like to proceed with other river systems in the state.

The public notice includes many issues that the technical team and executive team were able to agree upon including restoration work that should benefit over-winter habitat for coho salmon and summer habitat for Chinook salmon; a 26,000 cy/yr reserve amount to be left in-stream except for years which exceed a 5-year event; bar retention standards that are designed to minimize the hydrological effects of gravel removal; surveying and monitoring requirements; use of an adaptive management process; use of an annual implementation team to determine if and how gravel removal should proceed; and use of the Parker equation to predict annual influx.

There are three issues in the public notice however that need to be addressed. The first issue is that the public notice includes gravel removal in the estuary below the head of tide. Because the estuary is subject to marine influences as well as riverine input, the Parker equation and USGS analysis can not be used in the same way to predict recruitment as the riverine portion of the Chetco River. If estuarine removal is to be allowed in the general permit, specific conditions would need to be developed for it. These conditions would include in-water timing that is different than the riverine portion of the river. The timing for the estuary portion of the Chetco River is October 1 – May 31

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whereas the timing for the non-tidal portion of the river is July 15 – September 30. In addition, because of the estuary is tidal, removal has historically only taken place at low tide behind a berm. If estuarine removal remains in the permit, specific additional conditions would need to be added to address potential fish stranding, water quality, etc.

The second issue is that the public notice includes pit extraction below the thalweg or deepest part of the river. Because of the potential hydrological and morphological effects from removal below the river level, the department recommends that removal be limited to the depth of the river.

The third issue is that there is no cap on gravel removal based on the annual sediment recruitment. The public notice does not establish a cap on removal based on the Parker equation and the calculated sediment recruitment. Without a cap on removal, it would be possible for one or more of the operators to remove more than the annual recruitment as long as the bar retention standards were followed. One of the main reasons for calculating the level of recruitment is to ensure that removal does not exceed it. The department recommends that gravel removal be capped based on the annual sediment budget.

The department also had a comment on the adaptive management portion of the public notice. It is not clear from the annual data requirements section who would be responsible for collecting the data.

Thank you for the opportunity to comment on the public notice. Please contact me at (503) 947-6089 if you have any questions.

Sincerely,



Patricia Snow  
Land and Water Use Coordinator  
Oregon Department of Fish and Wildlife

C: Jay Charland, DLCD  
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